

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAVIER GOMEZ, ALFREDO HUERTA, §
DANIEL BOBADILLA, §
URIEL RODRIGUEZ, DANIEL MERINO, §

individually and on behalf of other §
similarly situated employees and former §
employees of Defendants, §
Plaintiff(s), §

vs.

§CIVIL ACTION NO: 3:14-CV-2934-P
§JURY

MI COCINA LTD, all individually and §
d/b/a MI COCINA, TACO FANATICO, §
and M CROWD RESTAURANT GROUP, §
M CROWD GP, LLC, and §
M CROWD RESTAURANT GROUP, §
INC., d/b/a MI COCINA, TACO DINER, §
and THE MERCURY §
Defendants. §

**MOTION FOR LEAVE TO FILE OBJECTIONS TO MAGISTRATE JUDGE'S
ORDER DENYING PLAINTIFFS' EMERGENCY MOTION TO WITHDRAW
OR AMEND DEEMED ADMISSIONS TO DEFENDANTS' REQUEST FOR
ADMISSIONS AND EXTENSION OF TIME TO RESPOND TO DISCOVERY**

TO THE HONORABLE UNITED STATES JUDGE:

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiffs, Javier Gomez ("Gomez"), Alfredo Huerta ("Huerta"), Daniel Bobadilla ("Bobadilla"), Uriel Rodriguez ("Rodriguez"), and Daniel Merino ("Merino"), all individually and on behalf of other similarly situated employees and former

employees of Defendants (hereinafter “Plaintiffs”), file this Motion for Leave to file this Objection to Magistrate Judge’s Order, and would show the following:

On May 18, 2016, Magistrate Judge Irma Ramirez entered an order denying Plaintiffs’ Emergency Motion to Withdraw and/or Amend Deemed Admissions to Defendants’ Request for Admissions and Extension of Time to Respond to Discovery. Dkt. 455. The response was due by midnight on June 1, 2016. Plaintiffs have been diligently working on this objection through the morning hours after June 1, 2016. Plaintiffs’ deadline to file a Motion for Summary Judgment was May 31, 2016, for which Plaintiffs timely filed their partial motion seeking summary judgment on minimum wage and tip credit violations. Plaintiffs also had a deposition on the same date of the current objection motion, and have also been inundated with work on other cases. Plaintiffs’ counsel are a small two person firm that have been bombarded with discovery and motions for this case, while always still trying to adhere to commitments on their other cases.

Plaintiffs file this motion for leave to allow Plaintiffs the opportunity to file their response a couple of hours past the Court’s June 1, 2016 deadline. Plaintiffs’ counsel were not able to file a response before midnight. Plaintiffs assert that no prejudice has occurred by the delay, and sincerely apologize to the Court.

Plaintiffs pray that the Court grant Plaintiffs’ motion for leave to file past the deadline ordered. This motion is not sought for delay, but so that justice may be done.

CERTIFICATE OF CONFERENCE

On June 1, 2016, Plaintiffs’ counsel asked for a one week extension of time to file their objections to which they were opposed.

Respectfully submitted,

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/S/ RHODA APPIAH-BOATENG

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing document will be accomplished through the notice of electronic filing in accordance with the Federal Rules of Civil Procedure on this 2nd day of June 2016, to the following:

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